

## MINUTES OF A REGULAR MEETING

### BROOKLYN CITY COUNCIL

**June 23, 2014**

**7:00 p.m.**

Present: Mary Balbier  
Andy Celcherts  
Katie Gallagher  
Tony DeMarco  
Ron Van Kirk  
Kathy Pucci

Absent: Kevin Tanski

Pledge of Allegiance.

**Mayor's Proclamation:** Mayor Balbier presented A Proclamation to Honor and Recognize Kevin Pucci as a three-time State Champion in the Policy Debate at St. Ignatius High School.

Council President Gallagher expressed condolences on behalf of Council to the family of Joseph Vozar, who served the City of Brooklyn as a Police Officer for 31 years. June 24<sup>th</sup> at 6:30 Council will hold a Special Council meeting to wrap up pending legislation not adopted tonight, review bid results for Rec Center locker/restroom renovations. Three bids ranging from \$151,100 to \$154,100 were received, and Dir. Verba and the architect recommend the lowest/best bid of Whitehouse Construction. Chief Zemek received an Ohio Dept. of Public Safety grant for \$2,750 to be used to EMS equipment, and will be approved at tomorrow's meeting. The meeting is open to the public. After the Special meeting, Council will meet in a work session to meet with Robert Martin of Myriad Energy Solutions regarding lighting throughout the city. On tonight's agenda: request to purchase portable radios and accessories for \$24,000 under State Contract, repeats, Res. for the tax decrease, Res. for the 2015 Tax Budget, Ord. for qualifications of Council/Mayor, Ord. for transfers/advances for 2014, Ord. for purchase/installation of exhaust system from K Co. for \$92,193.97; new, Ord. to authorize purchase of 7508 Memphis for \$22,000 and an Ord. to allow County Landbank to demolish same property, Ord. expanding Calfee, Halter & Griswold agreement for legal expenses not more than \$10,000 relating to landfill closure, Ord. amending EMS service charges to increase commensurate with current insurance rates and recommendation of our billing company (no added costs to our residents), Ord. to purchase 2014 Ford utility vehicle (\$36,999) and a 2015 F-250 (\$36,518) through State Co-Op Purchasing, Ord. for 2014 replacement of Codified Ords., Ord. to authorize Mayor to enter agreement with Clemens, Nelson and Assoc. for on-site personnel consulting services at \$125/day, one day/week for next six months.

#### **PUBLIC SESSION:**

*None*

#### **REPORTS OF COMMITTEES, COMMISSIONS & BOARDS:**

Finance Committee (Councilwoman Pucci): The Comm. met at 6:15 and had no further discussion on repeated items. They recommended: Ord. 2014-37, pass by emergency (so the Mayor can sign the purchase agreement); Ord. 2014-38, first reading; Ord. 2014-39, first reading; Ord. 2014-40, first reading; first reading for vehicle purchases for the Fire Dept; and first reading for the Management Consultant agreement, and amending it. Dir. Enovitch gave an update on where we stand with Capital Expenditures; and discussed moving forward with related expenditure reports.

Economic Development Committee (Councilwoman Pucci): The Comm. meets June 27<sup>th</sup> at 10:30 a.m. in the Conference Room.

Zoning Bd. of Appeals (Comm. Fitzgerald): There was a Board meeting June 16<sup>th</sup> and granted a side yard variance to construct an 18 ft. pool in the rear yard at 5947 Traymore.

Public Works Committee (Councilman Celcherts): There is a work session after the Special Council meeting tomorrow with a manufacturing rep. for LED lighting, for decorative lighting on Memphis and Ridge Roads. Dir. Migliorino is looking into any available grants.

Planning Commission (Katie Gallagher): The Commission will tentatively meet July 10<sup>th</sup> at 6 p.m. in the Conference Room. There is no agenda at this time.

School Board (Councilman Celcherts): The next Bd. meeting is July 15<sup>th</sup> and is open to the public. The State of Schools presentation by the Superintendent was on June 10<sup>th</sup> at the Chamber of Commerce luncheon, with an overview of the past school year and the construction in progress. A financial overview from Treasurer Todd Hopkins was also provided, along with a five year forecast. On June 17<sup>th</sup> a regular meeting was held with several issues approved, including cafeteria prices, Honor and Merit rolls, sports and scholar athlete award winners. Volunteers are being sought for the Walking School Bus program. There is also a Brooklyn Cares Back to School Program; he placed a flyer on the reception desk, to help with school supplies for struggling families. Renovations to the High School library are underway to convert to classrooms. New residents with children going to attend Brooklyn Schools, register as soon as possible at 216-485-8112.

#### **REPORTS OF COUNCIL:**

**Mary Balbier:** Congratulated Kevin Pucci on his accomplishment. This weekend is the Relay for Life, and encourages all to attend, at the Recreation Center law. Tomorrow at the Cleveland Convention Center will be Help for Homeowners, for those struggling to make mortgage payments, or trouble financing, or with rental properties becoming unaffordable; meet with an expert to find solutions. Info at 888-995-4673. Her stand on the Charter amendments were expressed at the last meeting, but will say it's un-Constitutional and un-American. For the income tax decrease, our experts say no, not at this time. It's important to be very careful and cautious with school ending, the pools, parks and areas will be filled with children. With the upcoming summer recess, thanks all the residents who have allowed her to serve; it's been her honor to serve. Wished everyone a safe and enjoyable summer.

**Andy Celcherts:** June 11<sup>th</sup> attended a meeting at the Brooklyn Acres where the Board heard resident concerns, also with Cleveland Council President Kevin Kelly. Many items brought up included: police patrol, chuckholes, leaf collection, behavior concerns at Brooklyn Memorial Park. Thanked Chief Mielke and Dir. Verba for addressing the issues and concerns. Met with two recruiters from the Marine Corps. at an event, and they've offered to run a combat fitness test at no cost to the city; but there are things to be worked out, and he is working on a meeting to see what's possible. Wishes everyone a happy and safe summer.

**Tony DeMarco:** Commented on his two proposals on the Agenda. Res. #3 and Ord. #32: thanked the Mayor for comments at the last meeting regarding economic development activities, that neither he or the Econ. Dev. Dir. see a reason a company would move here for reduced income tax rate. He thinks that cannot be further from the truth. The Mayor also cited economic development activities, such as Key Bank, the Plain Dealer, Sheetz, LA Fitness and Arrow, Int. He's thankful these businesses brought their employees here, or as the case be, remain here. The Plain Dealer reduced home deliveries, we can't base the viability of them on our financial future on. The Mayor said he (Councilman DeMarco) did not support Sheetz, LA Fitness, or Arrow, and his reasons are simple. Sheetz and LA Fitness purchase valuable, scarce land in the city, while generating minimal employment (together generating \$50,000 annual payroll taxes), generating 1.25% of what we are losing. Retail jobs won't solve our problems. The land would be better served for office users. He had proposed when the current Sheetz property was for sale the city purchase it, develop it, and bring an office user there; he thinks we could have attracted one to the parcel, with proper planning. We have nine gas stations in the city, or right outside our borders. Positive economic development? We approved a grant that provides Arrow, Int. more money than they will generate for the city. Most agreements would max out at 50%, with the grant amount matching payroll or jobs created; we gave them \$250,000 and they will generate \$200,000 in payroll, and commit to remain here four years. Examples when desperate for economic development activity, taking whatever we can get, instead of a real plan for our future. We have no pipeline of prospective companies with significant payroll considering moving to

Brooklyn. He's asked for added resources to economic development, and the Mayor decided it's not a good idea. At a previous meeting, the Finance Dir. gave a rough timetable of when our cash would run out if income tax cut passes; he agreed, with some assumptions. If the tax is implemented we will run out of cash quicker; if we don't cut it we will still run out of cash. Without a plan, what do we tell residents – about service levels in three, four years, and how much more will they have to pay? Economic development isn't an easy tax, and takes time and effort. Ord. #33 (Charter amendment altering requirements for Mayor/Council) comments made at last meeting were sad and entertaining. Some said it's for political gain, or other reasons. After he introduced it, a public meeting was held with Council, the Mayor and several directors, with this subject (he was unable to attend that Safety Comm. meeting on May 22<sup>nd</sup>), with one director questioning the fact. The Safety Dir. said family relationships are rampant in the city (elected to appointed to full-time), making it difficult to get things done effectively in the city, further saying "It creates problems for safety forces...", and "Nepotism brings favoritism." He agrees with the Director. Some Councilmembers didn't like those comments, and don't support this proposed legislation. The Mayor has been silent. Asked everyone to pay attention to what is going on in the city. The audio of the Safety Comm. meeting is available and he can provide it. The Ordinance isn't about taking away a right to be elected, but removing conflicts of interest among elected officials and family members and making Brooklyn more transparent. He's asking Council to approve it, to put the issue on the Nov. ballot, and let residents decide. Wished everyone a safe and relaxing summer.

**Ron Van Kirk:** Thanked everyone for coming. Congratulated Kevin Pucci on his accomplishments. Reiterated his position on Ordinances. First, on who can run for office in Brooklyn. He is opposed Ord. #33. Though he is opposed to nepotism, an American citizen has a right to run for office, no matter who related to. There are already laws on the book prohibiting favors by elected officials to employees or other elected officials, regardless of family relation. The voters should decide whether a person should be in office when they run, not a Charter amendment. It seems to be a direct attack on Councilmembers and the Mayor. If had been in place when Mayor Coyne was serving, he would have been disqualified for running because of several family members working. He may or may not agree with what each candidate stands for, but he has one vote, like everyone else. This proposal would make two Councilmembers and the current Mayor ineligible to run for office, and it's not right. Though he didn't vote for these candidates when they ran, he wholeheartedly defends their right to run. He also thinks it's in violation of the 14<sup>th</sup> Amendment to the US Constitution. He does agree there were some heated comments made at the Safety Comm. mtg., and challenges anyone to listen to the audio. He did sit down after the meeting with the Mayor and Safety Director and discussed and ironed things out, and got an apology from the Safety Dir. for some comments made. Insinuating and implying things not said directly doesn't help. If there is nepotism or something illegal, it should be reported to authorities and prosecuted as such. Restricting someone's right to run for office is not the solution to this problem. Regarding the Ord. to reduce income tax – he's e-mailed and hard copied a memo to Council, the Mayor and Finance and Law Directors, that he can't be against something without a proposed plan. His memo (in part): Both Ords. deal with lowering income tax to 2.25%. He's on record being in favor of reducing the income tax; but now is not the appropriate time to reduce it by \$1.7M/year in light of American Greeting's departure in 2016. We'll lose approximately \$4M/year when they leave. Adding \$1.7M to that loss doesn't make fiscal sense. His proposal would be (in the future): current 2.5% rate stay in effect until 12/31/17, then 1/1/18 reduce it to 2.25%, then 1/1/19 reduce to 2%. This would allow time to replace our income loss by American Greeting's departure; decrease dependence on the tax incrementally; allow time to budget appropriately; and reduce income tax to its previous 'fiscal emergency' level. Reducing the tax rate must be done fiscally responsibly. Residents demand great city services, and cutting the rate next year would necessitate the need to cut city services or raise taxes elsewhere – neither a good option, and totally unnecessary if appropriate steps are taken. (end memo) Councilman DeMarco said income taxes have an effect on whether businesses come here, and he agrees it's a factor; but property taxes are a huge factor as well, and go hand in hand. Brooklyn's had huge property tax increases, so it can't be excluded.

**Kathy Pucci:** Thanked the Mayor for the Proclamation for her son. Encouraged everyone participate in the Relay for Life event; it's a good cause and a lot of fun. Thanked directors and department heads for their efforts with calls, complaints, concerns, etc., they've been on top of everything and responsive. Regarding the municipal income tax Ord.- she supports reducing income tax, but does not believe it's the right time. It would make a bad situation worse, resulting in the need to reduce services. Disappointed we're not being proactive in seeking well-paying jobs for the city, but reducing the tax now is not the answer. Regarding the proposed Charter amendment, her perspective is that it goes to the qualifications of a candidate or elected

office. Can't speak to the Constitutional part, but doesn't know of any office someone can run for where there aren't stipulated qualifications. Gave an example of a citizen who was not born here cannot run, which is a qualification. Our Charter has qualifications for Council (qualified elector, resident for at least three years, hold no other public office over which Council has control) and the Mayor (resident and qualified elector three years, hold no other office or employment, devote time during business hours and other times as necessary.) She is concerned about the language as presented in the proposal, because it could be overreaching and subject to challenge. As elected officials they should strive for high standard, and the public is better served if elected officials are not related. She has long supported this issue. She would support language similar to Broadview Hts.: 'No two members of family shall serve in elected position concurrently. Family is consanguinity, or affinity of second degree (spouse, parents, children, siblings, grandparents, grandchildren.)' It would not apply to the Mayor or his sister-in-law serving. There was a situation in the past, and from personal experience there were some problems. Restated, she can't support current language, as it's better handled through an ordinance; but would support letting the people decide if they want to add further to the qualifications for elected officials. Council will recess regular meetings for July and August, but Council is still working, with meetings and handling concerns and complaints from residents. Feel free to still contact Council.

**Katie Gallagher:** Congratulated Kevin Pucci on his achievements in debate, and the award winners for the Brooklyn Chamber's scholarships, Amanda Mina, Adam Colagaros, Emily Delaney. If someone deserves to be recognized, contact Jill, the Mayor's secretary, or a Councilmember. Reminded that Saturday, August 17<sup>th</sup>, noon-8, the Chamber will host a Picnic in the Park, a free, family friendly celebration with live entertainment, children's activities, corn hole tournament, food, etc. Ordinances have to be voted on that could impact the city's future. Proposed income tax reduction: If she asked people if they wanted lower income taxes 100% would be in favor; but if she told them if they paid less income tax but lose some service (tax collection, Senior snow plowing) their opinion may change. If told we would need to lay off some safety forces because we couldn't sustain the payroll, how many would want to reduce the income tax? It's hypothetical, and not suggesting a head towards Doomsday; but the decision is important to all. Council is voted on to spend tax dollars wisely, and right now is not the time to reduce income tax. If the right decisions are made over the next few years this reduction can be a reality; but the Mayor, Finance and Law Directors, and majority of Council agree this is not in the best interest of the city right now. As for the change of qualifications for Mayor and Council: Councilman DeMarco's not proposing this for the best interest of the city, but rather for his self interest, keeping his competition off the ballot. State of Ohio Ethics Policy dictates elected officials can't use political influence to hire a family member or vote on a matter financially beneficial to them. Her sister is and has been on the Brooklyn Fire Dept. for many years, hired through the civil service process, and compensation is collectively bargained through the union. Ohio ethic laws permit her to vote on her contract since it's collectively bargained; but she chooses to abstain on those votes to avoid an appearance of impropriety. No one can say she's used her political position to help a relative, and she would never. Councilman DeMarco said he used Seven Hills' Charter language for his basis of his Ordinance; but they have no language in their Charter saying someone cannot run for political office if they have a full-time family member working in the city. He added that language. The Seven Hills' ordinance speaking to nepotism excludes safety service employees as a family member in the definition. So that city, or any other in the county, would not prohibit her running for elected office. She thinks he added that language because it's personal. She's proud (and knows her sister is) of her service to the city, but expressed disappointment and disgust Councilman DeMarco attempts to pit her family's service against each other for his personal gain. She's proud of being elected by the residents, and works hard for them, and loves the city. She won't vote on an ordinance prohibiting any resident's right to run, or restricts their right to choose their elected officials. Councilman DeMarco hasn't given an instance of an ethical violation by the Mayor or any Councilmember. She can't think of any reason other than political for his proposing the ordinance. Both of his introduced ordinances are politically motivated and reckless. There have been two instances when it appears Council has not been on the same page: right now, the qualifications and taxes; earlier this year, the school levy. Council is seven different individuals with seven different backgrounds, generally having different views on most things, which is good. Common practice, if a Councilmember introduces legislation they usually run it by colleagues (e-mail or in committee). The income tax was brought up in a budget work session earlier in the year, which Councilman Van Kirk suggested working on as a goal for the future, with all Council agreeing. Councilman DeMarco wanted his tax decrease immediately, but Council decided it needs to be planned out methodically. And our budget for 2014 was done in a way to invest more money in infrastructure than in the past. Council (though not Councilman DeMarco) voted for the budget, as it was solid and prudent. Knowing his colleagues were against moving on the decrease at the

present moment, he still chose to introduce legislation. Why bring it to the Council floor? Two times over the last six months it appeared Council was not unified, as a result of one member trying to push their personal agenda, and not working collectively with the others for the best interests of the city. She looked back at her decisions the last six months as Council President and is proud of her actions. She's put aside personal attacks and feelings for the betterment of the city and Council, whether through committee appointments and conversations with Councilmembers and Mayor. The Council and School Board are tentatively scheduled to meet in August for a joint work session, to push forward to work collectively with the schools. She will continue fostering positive relationships with the school, the Mayor, directors and Council, but can only control her own actions. Entering summer recess, she wants each member to think about things over the past six months, and ways to better work together. Together the city can be lead in the right direction. Wished everyone a wonderful summer, and looks forward to seeing everyone September 8<sup>th</sup>.

#### **MAYOR'S REPORT:**

**Mayor Albier:** Said a few words about Terry Dies, former President and Chief Executive Officer of Parma Hospital, who, because of the University Hospital's takeover of the Parma Hospital, will be greatly missed. Offered condolences to the Vozar family, having worked with Joe for over 30 years on the Police Dept. There is a Blood Drive in the Fire Station's community room on Friday, June 27<sup>th</sup> from 3-7 p.m. As mentioned, the Relay for Life will be in front of the Rec Center due to the football field construction, starting at 1 p.m. this Saturday. Regarding to the two proposed ordinances introduced by Councilman DeMarco, as he said at the last meeting, he is 100% against both. Over the past few weeks not one person who has spoken with him about it has been in agreement with it, and he hopes Council votes that way.

#### **DIRECTORS REPORTS:**

Finance Dir. Enovitch: Reported on the updated financial numbers for the city, including the General Fund balance today, \$11,122,717.24; expenses year to date, \$7,022,286.07; revenues \$9,376,448.14. Income tax collections year to date are as projected, and 2.53% ahead of last year. Total cash on deposit is \$23,669,286.26.

Police Chief Mielke: Thanked the community for their condolences extended to the Police Dept. on behalf of Sgt. Joe Vozar, and extending the family's thank yous.

#### **REQUEST:**

Request for liquor permit transfer, from Yesterday's Lounge to Biddulph Road Tavern, 7104 Biddulph Rd., for a D5 permit. **MOTION** by Pucci, second by Celcherts for a position of no objection. **VOTE RESULTED:** *No objection:* Yes: Albier, Celcherts, Gallagher, DeMarco, Pucci. Abstain: Van Kirk. No: None. **(NO OBJECTION)**

Request for authorization for portable radio chargers and accessories for the Police and Fire Depts. **MOTION** by Pucci, second by Van Kirk to approve. **VOTE RESULTED:** *To approve:* Yes: Albier, Celcherts, Gallagher, DeMarco, Van Kirk, Pucci. No: None. **(APPROVED)**

#### **LEGISLATION:**

**RESOLUTION 2014-3,** Declaring a necessity of an election on the question of improving enactment of an Ordinance to amend Section 181.03, 181.031, and 181.071(a) of Chapter 181, Income Tax of the Codified Ordinances of City of Brooklyn, Ohio to decrease the municipal income tax from 2.5% to 2.25%. **MOTION** by Van Kirk, second by Gallagher to Table. **VOTE RESULTED:** *To Table:* Yes: Albier, Celcherts, Gallagher, Van Kirk, Pucci. No: Demarco. **(TABLED)**



**RESOLUTION 2014-4**, Adopting the Tax Budget for the fiscal year 2015. **(SECOND READING)**

**ORDINANCE 2014-32**, To amend Section 181.03, 181.031 and 181.071(a) of Chapter 181, Income Tax, of the Codified Ordinances of the City of Brooklyn, Ohio to decrease the municipal income tax rate from 2.5% to 2.25% and declaring an emergency. **MOTION** by Celcherts, second by Van Kirk to Table. **VOTE RESULTED: To Table:** Yes: Balbier, Celcherts, Gallagher, Van Kirk, Pucci. No: Demarco. **(TABLED)**

**ORDINANCE 2014-33**, Providing for the submission to the electorate of two amendments to the Municipal Charter. She read the proposed changes: Qualification changes for Council and Mayor: 'Any person eligible to be a member of Council (or Mayor) shall not have a family member who works full-time for the city, or a family member holding an elected office for the City of Brooklyn, nor have a family member nominated for and/or appointed to an elected office in the City of Brooklyn. For this section family is consanguinity or affinity of the second degree, which includes spouse, parent, children, siblings, grandparents and grandchildren.' Councilwoman Pucci stated for the record she would support language that addressed the elected official part similar to what she read from Broadview Hts., and any nepotism issues addressed through ordinances; so she cannot support this particular ordinance. **MOTION** by Celcherts, second by Van Kirk to Table. **VOTE RESULTED: To Table:** Yes: Balbier, Celcherts, Gallagher, Van Kirk, Pucci. No: Demarco. **(TABLED)**

**ORDINANCE 2014-34**, Authorizing the purchase and installation of air system at the Service Garage in the amount of \$92,193.97 by the K Company. **(SECOND READING)**

**ORDINANCE 2014-36**, Authorizing transfers and advances during 2014. **(SECOND READING)**

**ORDINANCE 2014-37**, Authorizing the Mayor to enter into a purchase agreement with Elizabeth Knack for the purchase of certain real property known as 7508 Memphis Avenue, PP#431-22-004. **MOTION** by Pucci, second by Celcherts to suspend the rules. **VOTE RESULTED: Suspend the Rules:** Yes: Balbier, Celcherts, Gallagher, DeMarco, Van Kirk, Pucci. No: None. **To Adopt:** Yes: Balbier, Celcherts, Gallagher, DeMarco, Van Kirk, Pucci. No: None. **(ADOPTED)**

**ORDINANCE 2014-38**, Authorizing the Mayor to enter into a Municipal Agency Agreement with the Cuyahoga County Land Reutilization Corporation for the demolition of certain real property known as 7508 Memphis Avenue, PP#431-22-004. **(FIRST READING)**

**ORDINANCE 2014-39**, Authorizing the Mayor to expand an agreement with Calfee, Halter and Griswold to provide legal services necessary and related to the operation of the city landfill on behalf of the City of Brooklyn in an amount not to exceed \$10,000; as previously expanded by Ord. 2012-73. **(FIRST READING)**

**ORDINANCE 2014-40**, Amending Section 143.02(a)(b)(d) of the Codified Ordinances of the City of Brooklyn, Ohio entitled 'EMS Service Charges'. **(FIRST READING)**  
Changes: Basic Life Support and Advanced Life Support were \$400 and \$550; they are increased with further distinctions for Life Support: Basic, \$500; Support 1, \$650; Advanced Support 2, \$750.

**ORDINANCE 2014-41**, Authorizing the purchase of two vehicles for use by the Brooklyn Fire Dept. **(FIRST READING)**

**ORDINANCE 2014-42**, To approve the 2014 replacement pages for the Brooklyn Codified Ordinances. **(FIRST READING)**

**ORDINANCE 2014-45**, Authorizing the Mayor to enter into a Management Consultant Agreement with Clemens, Nelson and Assoc., Inc. for scheduled on-site personnel consulting services. It will be amended in the last paragraph to read, 'This agreement shall automatically be renewed on a month to month basis on its termination date unless either party provides at least 30 days written notice to the other party of their desire to terminate the agreement.' **MOTION** by Pucci, second by Celcherts to amend. **VOTE RESULTED: To Amend:** Yes: Balbier, Celcherts, Gallagher, DeMarco, Van Kirk, Pucci. No: None. **(FIRST READING)**

There being no further business, **MOTION** by Van Kirk, second by Celcherts to adjourn. **VOTE RESULTED:** *Adjourn:* Yes: Balbier, Celcherts, Gallagher, DeMarco, Van Kirk, Pucci. No: None. **(ADJOURNED)**

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Asst. Clerk of Council

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President of Council